



***Town of Tyngsborough  
Conservation Commission***

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext 116  
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Minutes  
July 10, 2007

**Present:**

**ES:** Ed Smith, Chairman

**PB:** Paul Barker

**MM:** Matt Marro, Conservation Director

**HJ:** Henry Jungmann, Vice-Chairman

**LG:** Lucy Gertz

**Absent:**

**RS:** Robert Sherburne

**JK:** Jeffery Kablik

**7:00 Meeting opened by Ed Smith**

**7:05 George Frost – 72 Progress Ave. – Notice of Intent (Map 13, Parcel 46/0)** (Continued from 4/10, 5/8 5/22, 6/12 and 6/24) Construction of a 15,750 s.f. Manufacturing facility with adequate parking and truck docking. This hearing postponed at the request of the applicant to be continued at a later date. Final engineering plans submitted but still costing out the differences between the concrete and poly drain systems. RipRap has been added and a small retaining wall (drawing C3)

**HJ:** Motion to close the hearing for **72 Progress Ave.**

**PB:** 2<sup>nd</sup> the motion

**Unanimous 4-0**

**HJ:** Motion to issue an Order of Conditions for **72 Progress Ave** per plans dated July 5, 2007

**PB:** 2<sup>nd</sup> the motion

**Unanimous 4-0**

**7:15 Digital Federal Credit Union – 378 Middlesex Road – request for Certificate of Compliance (Map 12, Lot 42)** DEP#309-0777 to construct a one-story 4,722 sq ft building with associated parking and site improvements. **MM** did a site visit and found the area to be in compliance.

**HJ:** Motion to issue a Certificate of Compliance for **378 Middlesex Road**

**PB:** 2<sup>nd</sup> the motion

**Unanimous 4-0**

**7:30 Dennis Page – 20 Tyng Road – Notice of Intent (Map 28, Parcel 56)** Proposed to raze an existing dwelling, shed, remove gravel driveway and construct a single family dwelling, subsurface sewage disposal system, grading and associated utilities.

**HJ:** Motion waive the reading of the legal notice

**PB:** 2<sup>nd</sup> the motion

**Unanimous 4-0**

**HJ:** Motion to waive the reading of the abutters list

**PB:** 2<sup>nd</sup> the motion

**Unanimous 4-0**

**Steve Erickson**, the applicant's representative presented a proposal for replacing the existing structures with a 36 X 28 house with a new septic system in the front. The current gravel driveway will be removed and the area re-loamed and seeded. Abutter **Judy Bradley** wanted the site boundaries verified and was satisfied with the answers presented. A site visit was done by **MM** and he recommended allowing the structure as planned. He felt the proposed work was a good trade off by adding more green space.

**HJ:** Motion to close the hearing for **20 Tyng Road**

**PB:** 2<sup>nd</sup> the motion

**Unanimous 4-0**

**HJ:** Motion to issue an Order of Conditions for **20 Tyng Road** per plans dated June 6, 2007

**LG:** 2<sup>nd</sup> the motion

**Unanimous 4-0**

**7:45 Vesper Country Club – Paul Kaplan, Chris Morris, Tom Thornton and Michelle Richie**, representatives of the club appeared before the Commission for some input as to the cutting of trees in the flood plain and other restricted areas. **Paul Kaplan**, Chairman of the Greens Committee gave a presentation showing some of the issues they are having with dead and diseased trees. Many of these trees were planted after the hurricane of 1938 and are becoming a safety issue. The slide presentation showed trees that have fallen in storms that appeared healthy but were rotting from the core outward. The Club has had a certified Arborist and Tree Surgeon who reported that 30% to 40% of these trees, mainly pines, are in decline.

The **Conservation Commission** wants to be sure a Notice of Intent will be filed to show a tree cutting and replanting plan to avoid erosion. They are also concerned about any rare species habitats that may exist in this area and suggest the Club file with the Mass Endangered Species Program of National Heritage **LG** has suggested getting a second opinion on the health of the trees and possibly checking if an increment borer could be used to judge which trees are starting to rot from the inside out. It was suggested possibly leaving some of the downed trees for nesting.

The Representatives were advised that along with the Notice of Intent, a MESA filing will have to be done and an Order of Conditions would not be issued until the Endangered Species program gives their recommendations.

#### **Director's Determinations and Report:**

- ❖ Site visit to **5 Winter Street** regarding a proposed above ground pool that would be approximately 100' from the wetlands. Minor grading would be done. No further action is recommended.

**HJ:** Motion to approve the Directors Determination on **5 Winter Street**.

**PB:** 2<sup>nd</sup> the motion

**Unanimous 4-0**

- ❖ Site visit to **25 Mascuppic Trail** regarding the removal of a tree, leaving the stump, that is leaning toward the house. No further action is recommended..

**HJ:** Motion to approve the Directors Determination on **25 Mascuppic Trail**

**PB:** 2<sup>nd</sup> the motion

**Unanimous 4-0**

- ❖ Notice was received that there will be tree pruning in some areas around the power lines. They also felt that 2 trees on the conor of the Sherburne Property will need to come down.

#### **Other Business**

- ❖ **Turtle Crossing** signs have been received for placement in areas where turtles have been sighted crossing the roads.
- ❖ **LG** presented information to the board on a workshop being held September 15, 2007 on the Blanding's Turtles.
  - HJ:** Motion to approve \$80 for training for 2 people
  - PB:** 2<sup>nd</sup> the motion
  - Unanimous 5-0**

❖ **Minutes/Bills/Other Business**

Meeting adjourned at 8:45 PM  
**HJ:** Motion to adjourn  
**PB:** 2<sup>nd</sup> the motion  
**Unanimous 5-0**

Respectfully submitted  
Karen Steeves, Conservation Clerk